

HOESSEL et al.

Serial No. 09/604,001

quaternized form;

- (b) 0 to 98.99% by weight of at least one neutral or basic water—soluble monomer which is different from (a);
- (c) 0 to 50% by weight of at least one unsaturated acid or unsaturated anhydride,
- (d) 0 to 50% by weight of at least one free-radically copolymerizable monomer which is different from (a), (b) or (c); and
- (e) 0.01 to 10% by weight of at least one monomer which acts as crosslinker and has at least two ethylenically unsaturated, nonconjugated double bonds; and
- (ii) subsequent partial or complete quaternization and protonation of the polymer in the case where the monomer (a) is unquaternized or only partially quaternized.

REMARKS

Claims 1-13 are pending in this application.

The indication by the examiner that claims 9 and 10 are allowable save for their dependence upon a rejected claim is noted with appreciation.

Base claim 1 has been revised so as to point out the applicants' invention with greater particularity.

Claims 1 and 3-8 stand rejected under 35 U.S.C. 102(e) as being anticipated by Tropsch et al. This rejection is traversed. Tropsch et al. discloses uncrosslinked copolymers in contrast to the presently claimed invention which requires the use of a crosslinker (see (e) of claim 1). Favorable reconsideration is solicited.

Claims 1-5 and 11 stand rejected under 35 U.S.C. 102(e) as being anticipated by Uhl

HOESSEL et al. Serial No. 09/604,001

et al. This rejection is traversed. Uhl et al. do not disclose skin cosmetic or dermatological preparations as claimed herein. Favorable reconsideration is solicited.

Claims 1-8 and 11-13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Tropsch et al. and Uhl et al. This rejection is traversed. Assuming, *arguendo*, that it would have been obvious to combine the cited prior art as contended by the examiner the comparative test data at pages 26-7 of the specification disproves any presumption of obviousness that might arise. The data shows that the results are inferior if the polymer according to the invention is replaced by the same amount of an uncrosslinked copolymer in skin cream C. These results are unexpected and render the invention claimed herein patentable.

In view of the foregoing amendment, the test data and remarks, the applicants respectfully urge that the claimed invention is patentable and allowance of the claims is solicited.

To the extent necessary, applicant(s) petition for an Extension of Time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees to Deposit Account No. 11-0345. Please credit any excess fees to such deposit account.

Respectfully submitted,
KEIL & WEINKAUF


Henry R. Jiles
Registration No. 32,677

1101 Connecticut Ave., N.W.
Washington, D.C. 20036
(202)659-0100

HRJ/mks